

**804 KAR 4:270. Substantial part/staple groceries defined.**

RELATES TO: KRS 243.230(5)

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 243.230(5) precludes the issuance of retail package and drink liquor licenses to premises used "as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil." The statute does not define "substantial part of the commercial transaction" or "staple groceries." This administrative regulation is adopted to eliminate the confusion that an absence of such definitions has caused.

Section 1. For the purpose of enforcing KRS 243.230(5) "substantial part of the commercial transaction" shall mean ten (10) percent or greater of the gross sales receipts as determined on a monthly basis.

Section 2. For the purpose of enforcing KRS 243.230(5) staple groceries shall be defined as any food or food product intended for human consumption except alcoholic beverages, tobacco, soft drinks, candy, hot foods and food products prepared for immediate consumption. (11 Ky.R. 1007; Am. 1124; eff. 2-12-85.)